

### REMARKS

Claims 51-57 are pending in the subject application, of which claims 51-57 are independent. Favorable reconsideration and further examination are respectfully requested.

### Oath/Declaration

The Examiner requested the applicants to submit a supplemental declaration with an updated "no deceptive intent" clause for the changes made subsequent to the previous declaration filed on June 3, 2002. We are submitting herewith a reissue declaration by the inventor signed by inventor O'Connor. Furthermore, in lieu of a signed reissue declaration by the inventor signed by inventor Merriman, we are also submitting a Renewed Petition under 37 CFR § 1.183 and a statement of facts as proof that the non-signing inventor (inventor Merriman) cannot be found or reached after diligent effort.

### Double Patenting and Terminal Disclaimer

The previous Office Action noted a double patenting rejection provided in an Office Action mailed on October 24, 2001. Our previously-filed terminal disclaimer was rejected for being signed by attorney allegedly not of record. Without conceding the appropriateness of the rejection, we are re-submitting a terminal disclaimer that addresses the double patenting rejection provided in the Office Action mailed on October 24, 2001. Accordingly, we respectfully request that the double patenting rejection be withdrawn.

Applicant : Dwight Allen Merriman *et al.*  
Serial No. : 09/577,798  
Filed : May 24, 2000  
Page : 9 of 10

Attorney's Docket No.: 16113-1341RE9  
/ GP-1700-03-US-RI

Allowable subject matter

As noted by the current Office Action, the Board of Patent Appeals and Interferences affirmed the Examiner on claims 1-50, and reversed the Examiner on claims 51-57. Thus, claims 51-57 stand allowed. We have canceled claims 1-50 in this Amendment. Accordingly, we respectfully submit that this application is in condition for allowance, which action is requested at the Examiner's earliest convenience.

### CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing attorney docket no. 16113-1341RE9.

Respectfully submitted,

Date: March 12, 2012

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